

### **REMARKS**

Claims 1, 2, 6 and 11 remain in this application. This Amendment amends claims 1, 6 and 11, adds claims 16-17, and cancels claims 3-5, 7-10 and 12-15. No new matter has been added.

Claims 1, 4, 6, 11 and 13 stand rejected as indefinite under 35 U.S.C. §112, second paragraph.<sup>1</sup> Claims 1-3 and 5 were rejected under 35 U.S.C. §103(a) as unpatentable over Bramnick (U.S. Patent No. 5,903,753) in view of Bhat (U.S. Patent Application Pub. 2003/0055809). Claims 1, 4, 6 and 7-15 were rejected under 35 U.S.C. §103(a) as unpatentable over Bramnick in view of Bhat in further view of Xu (U.S. Patent No. 6,018,743). These rejections are respectfully traversed.

### **35 U.S.C. §103 Rejections**

Claims 1-3 and 5 were rejected as obvious over Bramnick in view of Bhat. Claims 1, 4, 6 and 7-15 were rejected as obvious over the same combination of references in further view of Xu. The Office Action asserts that it would have been obvious to modify Bramnick with a unique identifier described in Bhat to provide quick and direct access to various positions of a log file. However, Bramnick does not use a log file, nor is there any indication that a log file is needed in the system described in Bramnick. Presumably, Bramnick uses its own identifiers, which work just fine. Bramnick is directed only to a name space registry that provides APIs for both newer and older programs. *See* Abstract, col. 3:49 – 4:12. Applications access the registry for configuration and initialization data. Col. 5:11-28. There is no suggestion in Bramnick that any information is logged, or that logging is necessary or desirable in Bramnick's registry system. Thus, one of skill in the art at the time the invention was made would have no reason to incorporate the log record access methods of Bhat with the registry described in Bramnick. The combination of references is improper, and the claims are not obvious over the cited art.

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<sup>1</sup> The Office Action identified claim 18 as rejected under §112. In a telephone conversation on April 19, 2007, Examiner Truong confirmed that the rejection should have listed claim 11.

Even if the references are properly considered in combination, the claims recite features not disclosed or suggested by the cited art. Independent claim 1 recites, in relevant part,

**a request to store state data of a virtual machine**, the request received from an application executed by the virtual machine;  
...  
assigning a **unique identifier** to the stored state data; and  
...  
**after a failure of the virtual machine, recovering the stored state data** based on the unique identifier.

Independent claim 11 recites, in relevant part:

receiving a request to read or write **state data of a virtual machine**, the request received from **an application executed by the virtual machine**;  
...  
assigning a **unique identifier** to the persistence data object;  
writing the **state data** into the **persistence data object**; and  
...  
loading the **state data** from the **stored persistence data object** into the created persistence data object .

None of the cited references teach or suggest these features. Neither Bramnick nor Bhat disclose or suggest any virtual machine, or any method of storing and/or recovering state data of a virtual machine. Bramnick describes only a name space registry for various software, and Bhat only describes log files that can be accessed arbitrarily. While Xu relates generally to an object-oriented framework, it only describes an interface to provide multiple types of data access. There is no teaching or suggestion in Xu to store and/or recover state data of a virtual machine, or to assign a unique identifier to stored state data or a persistence data object. The independent claims and all claims depending therefrom are patentable over the cited art.

### **35 U.S.C. §112 Rejections**

In claims 6 and 13, the abbreviation “JDBC” has been expanded as required by the Office Action. Applicants respectfully submit that the rejection of claims 1 and 11 based on the use of the term “data object” with reference to a data read and a data write is moot in view of the present amendments. Withdrawal of the rejections and reconsideration is respectfully requested.

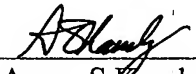
**Conclusion**

Based on the above remarks, Applicants believe the claims are in condition for allowance. The Commissioner is authorized to charge any fees or credit any overpayment to the deposit account of Kenyon & Kenyon LLP, Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

Respectfully submitted,

Date: May 7, 2007

  
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